



30 CUSTOM CHEMICALS CORPORATION

30 Paul Kohner Place, Elmwood Park, NJ 07407

Tel. 201-791-5100 Fax. 201-791-2273



September 10, 2008

Mr. Raymond Basso
Strategic Integration Manager
Via Overnight Mail

Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway – 19th Floor
New York, NY 10007-1866

Reference: **Custom Chemicals Corporation, Elmwood Park, NJ**
Response to USEPA Information Request, Dated June 25, 2008

Dear Mr. Basso and Ms. Flanagan:

Custom Chemicals Corporation received an information request from the U.S. Environmental Protection Agency (the "Agency") in July 2008 (the "Information Request") regarding the Lower Passaic River Study Area. In accordance with a telephone call with Assistant Regional Counsel Sarah Flanagan on July 14, 2008, the Agency established a response date for the Information Request of September 2, 2008. The Agency granted a subsequent request for an extension to September 9, 2008, during a telephone call on August 29, 2008 with Ms. Flanagan. Finally, a one-day extension to September 10, 2008 was granted during a telephone call with Ms. Flanagan on September 9, 2008. We are enclosing narrative responses and documentation to address the questions provided in the Information Request.

We trust that this information is complete and satisfies the Agency's request. If you should have additional questions, please do not hesitate to contact me at (201) 791-5100.

Sincerely,

Robert Vielee
President

Enclosures

cc: Sarah Flanagan, Esquire (w/o encl.)

**RESPONSE OF CUSTOM CHEMICALS CORPORATION
TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REQUEST FOR INFORMATION
PURSUANT TO SECTION 104(e) OF THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION AND LIABILITY ACT**

Custom Chemicals Corporation (“CCC”) hereby responds to the information request transmitted to CCC by the United States Environmental Protection Agency (the “Agency”), under cover letter dated June 25, 2008, pursuant to Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9604(e), (the “Information Request”), as such Information Request relates to CCC’s operation of a facility in Elmwood Park, New Jersey (the “Facility”).

I. GENERAL OBJECTIONS AND INTRODUCTION TO RESPONSES

Based upon its review of the Information Request, CCC regards individual requests as vague or ambiguous. By way of example only, the Information Request is vague or ambiguous to the extent that the Information Request does not define various terms or purports to define terms other than by their commonly understood meaning. CCC specifically states that it has provided responses to the Information Request based upon CCC’s understanding of the requests and the common usage of specific terms within the industry.

CCC construes its obligation to respond to the Information Request as coextensive with the scope of the Agency’s authority pursuant to Section 104(e), and has interpreted such requests on the premise that the Information Request is reasonably related to information relevant to the Agency’s lawful objectives pursuant to Section 104(e).

CCC specifically reserves all rights to assert legally recognized privileges to the disclosure of information, including without limitation attorney-client privilege and protection from disclosure pursuant to the attorney work product doctrine. CCC does not waive any such right or privilege by its response to the Information Request, and hereby specifically asserts such privileges and protections.

In responding to the Information Request, CCC reviewed and compiled documents and other information available to CCC and relevant to the Information Request. CCC expressly states that its response to the Information Request is limited by the current availability of information. CCC has undertaken a reasonable investigation designed to identify available existing documents. Such documents form the basis for CCC’s response.

CCC objects to the obligation asserted through the Information Request to supplement its responses, to the extent that the Information Request purports to impose an obligation upon CCC to supplement its responses beyond that required under Section 104(e). To the extent specifically identified in response to individual Information Requests below, CCC will supplement this response as additional information becomes available.

CCC incorporates the foregoing general objections into each of its responses to individual information requests, and will therefore not restate such objections within individual responses. In addition, by providing responses to individual information requests, CCC does not thereby waive or limit the foregoing general objections.

In response to certain information requests, CCC has provided responsive information in attachments to this response. In such cases, the attachment references the number of the relevant question(s) for which the information is provided.

II. RESPONSE TO INFORMATION REQUEST

Without limitation to the foregoing, CCC responds to the Information Request to the best of its knowledge and information following reasonable inquiry as follows:

Referring to the Company location or locations identified in the list of addresses in Attachment C as the subject of this Request for Information, please respond to the following requests, including by providing copies of all available documentation that supports your answers.

- 1. Answer the following questions regarding the Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If the Company did business under more than one name, list each name.**

- a) State the correct name and mailing address of the Company.**

Custom Chemicals Corporation
30 Paul Kohner Place
Elmwood Park, NJ 07407

- b) State the name and address of the president, chief executive officer or the chairman of the board, or other presiding officer of the Company.**

Robert Vielee
President
Custom Chemicals Corporation
30 Paul Kohner Place
Elmwood Park, NJ 07407

- c) Identify the state of incorporation or organization of the Company and its agent for service of process in the state of incorporation and in New Jersey.**

CCC is incorporated in New Jersey.

- d) **If the Company is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to the Company and indicate the date and manner in which each relationship was established.**

Not applicable

- e) **How many employees does the Company have?**

46 employees

2. **How long has the Company operated at the location identified in Attachment C? If the Company no longer operates at this location, during what years did the Company operate at the location?**

1987 to present

3. **Does the Company have or has it in the past had a permit or permits issued pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq.?**

Yes

If “yes”, state the years during which the Company held the permit and EPA Identification Number.

1987 to present

RCRA NJD093846301

4. **Does the Company have or has it in the past had any permit issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251, et seq.?**

Yes

If “yes” state the years during which the Company held the permit and the EPA Identification Number.

1987 to present

NJPDES Permit # NJ0033146

5. **Did or does the Company use, store, generate, manufacture, discharge, release or dispose of any materials containing the following substances:**

Without limitation to its General Objections, CCC specifically objects to Question #5 because it is ambiguous and overly broad, in that it refers generally to an extensive list of chemicals without any limitation on the amount or concentration of the hazardous substance, the form of the substance (e.g., as a mixture, chemical compound, pure substance, etc.), and/or the way in which the hazardous substance is used, stored, generated, etc. Further, information responsive to Question #5 is generally available to CCC only to the extent that CCC's vendors or suppliers are required to provide such information, or to the extent that CCC is otherwise legally required to generate or secure such information. Without limitation and subject to the foregoing objections, CCC has reviewed the MSDSs in its possession, as well as other relevant information provided by CCC's vendors, and responds on the basis of the information available to it and its understanding of the terms as used by the Agency within Question #5, as follows:

	Yes	No
2,3,7,8 tetrachlorodibenzo-p-dioxin	___	X
2,4-Dichlorophenoxy acetic acid (2,4-D)	___	X
2,4,5-Trichlorophenoxy acetic acid (2,4,5-T)	___	X
2,4,5-Trichlorophenol (2,4,5-TCP)	___	X
Or other dioxin compounds	___	X
Dichlorodiphenyl-Trichloroethate (DDT)	___	X
Benzene	___	X
Ethyl Benzene	___	X
Total Petroleum Hydrocarbons (TPEH) (Solvents included in substance list)	___	___
Polyaromatic Hydrocarbons (PAH)	___	X
If "yes", please list specific compounds: _____		

Toluene	X	___
Xylene	X	___
Polychlorinated Biphenyls	___	X
If "yes", please list specific compounds: _____		

Antimony	X	___
Argon	___	X
Arsenic	X	___
Cadmium	X	___
Chlorine	___	X
Chromium	X	___
Copper	X	___
Iron	X	___
Lead	X	___

Mercury	___	X
Nickel	X	___
Silver	X	___
Sulfur	X	___
Titanium	X	___
Vanadium	X	___
Zinc	X	___
Cyanide	___	X
Acetone	X	___
Acetylene	X	___
Acetylene tetrabromide	___	X
2 butoxy ethanol	X	___
Bis (2-ethylhexyl) phthalate	X	___
Chlorodifluoromethane	___	X
Chloropentafluoromethane	___	X
Chlorotrifluoromethane	___	X
Dibutyl phthalate	X	___
Dichlorodifluoromethane	___	X
Naphtha	___	X
Silver nitrate	___	X
Sodium Bisulfide	___	X
Sodium hydroxide	X	___
Sodium nitrate	___	X
Tungsten	___	X

By identifying a substance as potentially present at the Facility, CCC does not thereby state that such substance was or is present at the Facility in its pure form or is otherwise available to the environment as an uncombined chemical or substance. Further, to the extent that CCC has identified the potential presence of a substance at the Facility based upon information included within an MSDS or other information prepared by and provided to CCC by an independent third party, CCC cannot verify or assure the accuracy of such MSDS or other information, and therefore whether such substance was present at the Facility at any time.

6. Describe the process or processes with which any substance identified in response to Question 5 was associated.

CCC produces both wet and dry color concentrates for the ink and coating industry. The materials identified in the response to Question #5 are used in the formulation of color concentrates or are impurities contained in the raw materials used in the formulation of color concentrates. The process used to make the color concentrates involves taking various resins, pigments, additives, and, in some cases, solvents and/or water, and pre-mixing them either in tanks or in blenders of various capacities. Once mixed, materials are further processed to ensure that the pigment is sufficiently dispersed in the resin and meets customer specifications.

- 7. Provide an estimate of the quantity of any substance identified in response to Question 5 used, stored, generated, manufactured, discharged, released or disposed of, on an annual basis. Attach any documents used to prepare the list.**

Without limitation to its General Objections, CCC specifically objects to Question #7 because it is ambiguous and overly broad, in that it refers generally to an extensive list of chemicals without any limitation on the amount of the substance, the form of the substances (e.g., as a mixture, chemical compound, pure substance, etc.), and/or the way in which the substance is used, stored, generated, etc. Further, information responsive to Question #7 is generally available to CCC only to the extent that its vendors or suppliers are required to provide such information, or to the extent that CCC is otherwise legally required to generate or secure such information. Applicable regulations establish or prescribe relevant thresholds for the quantity and/or concentration of regulated substances which must be recorded and/or reported and the information available to CCC concerning such regulated substances is generally limited to the recordkeeping standards established under such programs. Without limitation and subject to the foregoing objections, CCC responds that it has identified information responsive to Question #7 in Attachment 7.

Please note that because documentation concerning hazardous substances at the Facility cannot be distinguished relevant to Question #7 and Question #8, the documents provided in Attachment 7 are responsive to both Question #7 and Question #8. Individual documents within Attachment 7 may respond to either Question #7 or Question #8 and may not be responsive to both, and therefore all of the documents provided in Attachment 7 are not necessarily responsive to Question #7.

- 8. Provide an estimate of the quantity of any hazardous substance, other than those identified in response to Question 5, that was used, stored, generated, manufactured, discharged, released or disposed of, on an annual basis. Attach any documents used to prepare the list.**

Without limitation to its General Objections, CCC specifically objects to Question #8 because it is ambiguous and overly broad. The use of the term “hazardous substance,” in particular, is so broad as to make it impracticable to provide a comprehensive response. Further, Question #8 refers generally to an extensive list of chemicals without any limitation on the amount or concentration of the hazardous substance, the form of the substance (e.g., as a mixture, chemical compound, pure substance, etc.), and/or the way in which the hazardous substance is used, stored, generated, etc. Further, information responsive to Question #8 is generally available to CCC only to the extent that its vendors or suppliers are required to provide such information, or to the extent that CCC is otherwise legally required to generate or secure such information. Applicable regulations establish or prescribe relevant thresholds for the quantity and/or concentration of

regulated substances which must be recorded and/or reported and the information available to CCC concerning such regulated substances is generally limited to the recordkeeping standards established under such programs. Without limitation and subject to the foregoing objections, CCC responds that it has provided quantity estimates responsive to Question #8 in Attachment 8. CCC further responds that other information responsive to Question #8 is provided in Attachment 7.

9. Were wastes from any processes at the facility combined with other wastes or chemicals? If so, what wastes and what processes?

Without limitation to its General Objections, CCC specifically objects to Question #9 because it is ambiguous and overly broad. Specifically, the use of the terms “waste” and “processes” are ambiguous in that different regulatory programs provide distinct definitions for these terms. Without limitation and subject to the foregoing objections, CCC responds based on its understanding of the terms as used by the Agency within Question #9.

Prior to 2001, CCC combined non-hazardous waste water with waste solvent and disposed of it under its own waste profile via a licensed hazardous waste hauler. Because the hauler advised CCC that the addition of the waste water to the solvent resulted in lowering the BTU value of the waste, CCC separated the waste streams and began managing each waste under its own waste profile. From 2001 to present, CCC has disposed of waste solvent via a licensed hazardous waste hauler, and non-hazardous waste water is discharged to the local municipality’s sanitary sewer, as described in the response to Question #10(b), below.

10. Describe the methods of collection, storage, treatment, and/or disposal of all hazardous substances, including, but not limited to, any hazardous substances listed in response to Question 5. Include information on the following:

a) Describe all on-site and off-site storage practices employed by the Company with respect to all hazardous substances from the time operations commenced until the present, including but not limited to:

All raw materials and finished products are stored in totes, 55-gallon drums, or pails. The containers used are appropriate for and compatible with the types of materials they may contain. Most containers of raw material and finished goods are kept in the warehouse until they are to be used or shipped out. Solvents are kept in totes and drums and stored outside in a certified and approved containment yard. When needed, they are pulled and taken to the production area for processing. CCC does not store materials or maintain an inventory in the production area. Between 1987 and 1989, solvents and phthalates were stored in seven (7) aboveground storage tanks, which have since been removed.

i) If drums were stored outside, were the drums stored on the ground or were they stored on areas that had been paved with asphalt or

concrete? Please provide a complete description of these storage areas.

Drums have been stored in CCC's containment yard located in the back of Building 1. The containment yard is compliant with applicable DPCC standards. It is paved with a combination of asphalt and concrete, is surrounded by curbing, and is designed to slope inwardly so that any potential releases would flow into the middle of the containment yard, to allow containment and control.

ii) If drums were stored outside, were empty drums segregated from full drums?

CCC segregates empty containers from containers of raw material or waste.

b) Describe any process used to treat the Company's waste, and how the waste was and/or is handled and/or disposed of after it has been treated.

Without limitation to its General Objections, CCC specifically objects to Question 10(b) because it is vague and ambiguous in requesting information regarding "any process used to treat ... waste." Neither the term "process" nor the term "treat" is otherwise defined in the Information Request, and both terms are defined in different ways under distinct regulatory programs. By providing information concerning CCC's waste management practices in response to this question, CCC does not waive any of these objections, nor characterize its actions as described in this response as a "process used to treat ... waste."

Without limitation and subject to the foregoing objections, CCC incorporates by reference its response to Question #9, above. CCC further responds by stating that, prior to 2001, it physically separated solids from non-hazardous waste water generated at the Facility prior to discharging the decanted waste water to the Passaic Valley Sewage Authority. CCC managed the solid precipitate resulting from such physical separation as a hazardous waste and commissioned licensed hazardous waste haulers to transport the material off-site for proper disposal.

Commencing in 2001, CCC collected non-hazardous wash water generated at the facility in totes, and then processed the non-hazardous water on a filter press. This process included the use of coagulants added to the wash water to separate solids from the water. Following the introduction of the coagulants, the combined water/solid stream is pumped on to the filter press, and the water and solids are forced through diatomaceous earth. The filtered water is then discharged to the local municipality's sanitary sewer, and the solids and filter cake are collected and disposed of as non-hazardous waste by a licensed waste hauler.

c) If hazardous substances were taken off-site by a hauler or transporter, provide the names and addresses of the waste haulers and the disposal sites.

CLEAN HARBORS OF BALTIMORE
1910 RUSSELL STREET208
BALTIMORE, MD 21230208
MDD980555189

CLEAN HARBORS REIDSVILLE LL
WATLINGTON INDUSTRIAL
REIDSVILLE, NC 27320
NCD000648451

DUPONT CHAMBERS WORKS
ROUTE 130
DEEPWATER, NJ 08023
NJD002385730

ENVIRONMENTAL WASTE MINIMIZATION INC
14 BRICK KILN COURT
NORTHAMPTON, PA 18067
PAR000501577

THE ENVIRONMENTAL QUALITY COMPANY
49350 NORTH I94 SERVICE DRIVE
BELLEVILLE, MI 48111
MID000724831

EQ DETROIT INC
1923 FREDERICK ST
DETROIT, MI 48211
MID980991566

REPUBLIC ENV SYSTEMS (PA) INC
SANDSTONE DR
HATFIELD, PA 19440
PAD085690592

SAFETY-KLEEN SYSTEMS
SYLVAN STREET
LINDEN, NJ 07036
NJD002182897

SPRING GROVE RESOURCE RECOVERY
4879 SPRING GROVE
CINCINNATI, OH 45232
OHD000816629

US ENVIRONMENTAL INC
409 BOOT RD
DOWNTOWN, PA 19335
PAR000524041

VEOLIA ES TECHNICAL SOLUTIONS LLC
125 FACTORY LANE
MIDDLESEX, NJ 08846
NJD002454544

WASTE MANAGEMENT OF NJ INC
61 BROAD AVE
FAIRVIEW, NJ 07022
NJD982180978

WASTE MANAGEMENT OF NJ INC
77 BROOKSIDE PLACE
HILLSDALE, NJ 07642
NJR000070912

11. Identify all persons who arranged for and managed the processing, treatment storage and disposal of hazardous substances.

Without limiting its General Objections, CCC specifically objects to Question 11 to the extent that it uses undefined terms, or uses terms that have specific regulatory definitions or significance without clear application of such terms to the relevant question. By way of example only, it is CCC's understanding that the "arrangement" for management or disposal of hazardous substances has specific statutory and/or regulatory implications under various environmental statutes, including without limitation CERCLA. In providing its response to this Question 11, CCC does not thereby use this or any other term within any specific statutory or regulatory context. Instead, and without limitation to its objections, CCC merely identifies in the following list those individuals at CCC who bore primary responsibility, within the context of his or her job function, for identifying licensed hazardous waste transporters and/or disposal facilities for the off-site shipment and disposal of hazardous waste, and/or for the proper on-site management of wastes containing hazardous substance subsequent to the generation of such waste and prior to off-site shipment.

George Fabricatore Jr. – 2005 to present

Tony Zarriello
Daniel Simon
Dan Mioski
Stephen Cap
John Lorenzo
Teresa O'Meara
Wilfredo Perez
Russell Kane
Dennis Morrison
Howard DeMonte

12. For process waste waters generated at the facility which contained any hazardous substances, including, but not limited to, the substances listed in response to Question 5:

Without limitation to its General Objections, CCC specifically objects to Question #12 because it is ambiguous and overly broad. Specifically, the term “process waste waters” is so broad as to make it difficult to provide a complete and comprehensive response, and Question #12 refers to “hazardous substance” without limiting in any way the threshold concentration or quantity of the hazardous substance, the form of the substance (e.g., as a mixture, chemical compound, pure substance, etc.), the amount of the hazardous substance, and/or the manner in which the hazardous substance is contained in “process waste waters.” Further, CCC has insufficient information to confidently identify the presence or absence of each hazardous substance within each waste water stream, in part because CCC is not otherwise obligated to identify the presence of each hazardous substances in waste water. Without limitation and subject to the foregoing objections, CCC responds on the basis of the information available to it and its understanding of the terms as used by the Agency within Question #12, as follows:

a) Where was the waste water discharged and during what years?

CCC incorporates by reference its response to Question #10(b), above. From 1987 to present, the following licensed waste haulers disposed of process waste waters characterized by CCC as hazardous waste.

ENVIRONMENTAL WASTE MINIMIZATION INC
14 BRICK KILN COURT
NORTHAMPTON, PA 18067
PAR000501577

US ENVIRONMENTAL INC
409 BOOT RD
DOWNINGTOWN, PA 19335
PAR000524041

REPUBLIC ENV SYSTEMS (PA) INC
SANDSTONE DR
HATFIELD, PA 19440

CLEAN HARBORS OF BALTIMORE
1910 RUSSELL STREET 208
BALTIMORE, MD 21230-208
MDD980555189

- b) Was the waste water discharged into a sanitary sewer and if so, during what years?**

Without limitation and subject to the foregoing objections, CCC incorporates by reference its response to Question #12(a) above.

- c) Was the waste water treated before being discharged to the sanitary sewer and if so, how? Please be specific.**

Without limitation and subject to the foregoing objections, CCC incorporates by reference its to Question #10(b).

- d) If the waste waters were not discharged to the sanitary sewer, where were they disposed and during what years?**

Without limitation and subject to the foregoing objections, CCC incorporates by reference its response to Question #12(a) above.

- e) Please provide the results of any analysis performed on any waste process steams generated at the facility.**

Discharge Monitoring Reports (DMRs) for the discharge of non-contact cooling water and waste profiles for hazardous waste water are provided in Attachment 12.

13. For floor drains or other disposal drains at the Company's location:

Without limitation to its General Objections, CCC specifically objects to Question #13 because it is ambiguous and overly broad. Specifically, the terms "floor drains" and "disposal drains" are not defined by the Information Request, and the terms are interpreted differently within different industry programs. Without limitation and subject to the foregoing objections, CCC responds on the basis of its understanding of the terms as used by the Agency within Question #13, as follows:

- a) Did the drains connect to a sanitary sewer and if so, during what years?**

Drains from the Facility's restrooms and locker rooms are connected to the sanitary sewer and have been since 1987.

- b) **If the drains did not discharge to the sanitary sewer, where did they discharge and during what years?**

Not applicable.

- c) **Did any storm sewers, catch basins or lagoons exist at the Company's location?**

Without limitation to its General Objections, Custom Chemicals specifically objects to Question #13(c) because it is ambiguous and overly broad. Specifically, the use of the terms "basins" and "lagoons" are ambiguous in that different regulatory programs provide distinct definitions for these terms, and the terms are interpreted differently within different industry programs. Without limitation and subject to the foregoing objections, Custom Chemicals responds that, based on its understanding of the terms as used by the Agency within Question #13(c), catch basins are located at the Facility.

- i) **If so, during what years did they exist?**

1987 to present

- ii) **Were the catch basins or lagoons lined or unlined?**

One (1) catch basin is lined, twelve (12) catch basins are unlined.

- iii) **What was stored in the lagoons?**

No lagoons are located at the Facility.

- iv) **What was the ultimate discharge point for the storm sewers, catch basins or lagoons?**

In accordance with NJPDES Permit # NJ0033146, CCC discharges storm water and non-contact cooling water via Discharge Point 001, located at the northwest corner of the property, into an earthen culvert (designated as "ditch" in the attached site plan) that conveys the water to Fleishers' Brook.

- v) **During what years was the Company discharging from any of these structures?**

1987 to present

- vi) **Were these discharges treated before release and if so, how and during what years?**

No

- vii) **What was the chemical composition of any waste waters discharged from any of these structures?**

Sampling results for storm water and non-contact cooling water discharges are provided in Attachment 12.

- d) **Provide diagrams of any waste water collection, transport, storage, treatment or disposal systems on the property.**

See the diagram provided in Attachment 13.

- 14. Identify any hazardous substances, including, but not limited to, the substances list in response to Questions 5 and 8, that were disposed of in or discharged to the Passaic River, including its tributaries. Estimate the amount of the hazardous substance disposed of in or discharged to the Passaic River, including its tributaries, and the frequency with which this disposal or discharge or disposal occurred. Provide the results of any samples of surface water or sediments collected from the Passaic River or its tributaries after any discharge or disposal.**

Without limitation to its General Objections, CCC specifically objects to Question #14 because it is ambiguous and overly broad in that it refers generally to “any hazardous substances” without any limitation on the amount or concentration of the substance, the form of substance (e.g., as a mixture, chemical compound, pure substance, etc.), and/or the way in which the substance is used, stored, generated, etc. Further, information responsive to Question #14 is generally available to CCC only to the extent that its vendors or suppliers are required to provide such information, or to the extent that CCC is otherwise legally required to generate or secure such information. CCC further objects to the use of the term “tributaries” in Question #14, because the identification of a surface water as a tributary to the Passaic River may vary based upon the scope and use of the term “tributary,” which is otherwise not defined in the Information Request, and available information regarding hydrologic connections between various surface waters. Without limitation and subject to the foregoing objections, Custom Chemicals responds on the basis of the information available to it and its understanding of the terms as used by the Agency within Question #14.

To CCC’s knowledge, the only materials which CCC understands to be relevant to Question #14 to be introduced to any surface water were those discharged pursuant to NJPDES Permit # NJ0033146 into an earthen culvert, which conveys the water to Fleishers’ Brook. Discharge Monitoring Reports (DMRs) for Discharge Point 001, which is located at the northwest corner of the property, are

provided in Attachment 12. To the extent that any storm water traversing the property but which was not discharged as a point source at that location contained hazardous substances, CCC has no information regarding the presence of hazardous substances in such storm water.

- 15. Identify any leaks, spills, explosions, fires or other incidents of accidental discharges that occurred at the Company's location during or as a result of which any hazardous substances, including, but not limited to, the substances listed in response to Questions 5 and 8 were released on the property, into the waste water or storm drainage system at the facility or to the Passaic River including its tributaries. Provide any documents or information relating to these incidents, including the ultimate disposal of any contaminated materials.**

Without limitation to its General Objections, CCC specifically objects to Question #15 because it is ambiguous and overly broad. Specifically, the use of multiple clauses and phrases within the same Information Request renders it difficult for CCC to identify responsive information. Further, such terms as "leaks," "spills," and "discharges" are defined and/or regulated under various environmental regulatory programs, and are not subject to uniform definitions under such programs, and implicate various regulatory issues in each case. By providing information in response to this Question #15, CCC does not thereby characterize any reported incident as constituting a "leak," "spill," or "discharge" under such regulatory programs. Without limitation and subject to the foregoing objections, CCC responds that it interprets Question #15 to refer to accidental discharges (in contrast to regulated, routine, permitted, authorized, etc., discharges) resulting in the release of any hazardous substances from the Facility, and responds to the Information Request on that basis.

The relevant incidents that have occurred at the Facility are listed below. None of these spills entered the storm water system or the tributary of Fleisher's Brook, or met the definition of a reportable quantity spill, met the definition of an unpermitted discharge of hazardous substance or waste, or resulted in violations or enforcement action by any regulatory agency.

May 13, 1987	800 gallons of diisononyl phthalate near the tank farm
February 3, 1988	55 gallons of used solvent, primarily methyl ethyl ketone
August 23, 1988	Butyl Cellusolve Acetate spilled in Containment Yard #1
June 29, 1989	2000 pounds of diisononyl phthalate were released within the drum storage area
October 23, 1989	200 gallons of methyl ethyl ketone were spilled in the tank farm containment area
January 4, 1990	55 gallons of methyl ethyl ketone were spilled at the rear ramp of Building #2

- 16. Provide any results of any sampling, investigations or assessments of the soil, water, air or other media at or in relation to the Company's location.**

See the documents provided in Attachment 16, which are categorized according to type of document. By way of further response, by providing copies of documents available to CCC which purport to provide results of sampling, investigations or assessments of media at or in relation to the Facility, CCC does not thereby support or attest to the accuracy of any such information. Generally, in all such cases, CCC did not specifically perform any analyses, and in most cases, such analyses were not performed at the direction or under any control of CCC.

- 17. Was the Company's location ever subject to flooding? If so, provide the date and duration of each flood event.**

No

Was the flooding due to:

- a) Overflow from sanitary or storm sewer backup, and/or**

Not applicable.

- b) Flood overflow from the Passaic River?**

Not applicable.

- 18. Describe any civil, criminal or administrative proceedings against the Company for violations of any local, state or federal laws or regulations relating to waste pollution or hazardous waste generation, storage, transport or disposal. Provide copies of all pleadings and depositions or other testimony given in these proceedings.**

Without limitation to its General Objections, CCC specifically objects to Question #18 because it is vague and ambiguous by failing to define the terms "proceedings" and "laws or regulations relating to waste pollution or hazardous waste generation, storage, transport or disposal." Without limitation and subject to these objections, CCC responds, based upon its understanding of the terms and the context of the specific question, that no such proceedings have been brought against CCC.

- 19. Provide a copy of any documents that describes or relates to the disposal of all hazardous substances at or from the Company's location, including, but not limited to, the substances listed in response to Questions 5 and 8. If you are unable to provide a copy of any document, then identify the document pursuant to the instructions set forth in Attachment A.**

CCC incorporates by reference its response to Questions #5, #7 and #8.

20. Does the Company own the location identified on Attachment C?

No

a) If so, when and from whom did the Company purchase the property?

Not applicable

b) If the Company subsequently sold the property, when and to whom did the Company sell it and in what year?

Not applicable

c) Provide copies of any deeds and documents of sale.

Not applicable

21. If the Company has never owned the location, from whom did the Company rent the location, and during what time period? Provide copies of any rental agreements.

CCC leased the location from Maurice M. Weill, the Trustee for Jack Schwartz et als., from 1987 to 2002. A copy of the Lease Agreement and relevant assignment is provided in Attachment 21. In 2002, Penn Color, Inc. ("Penn Color") acquired the ownership interest in the property, and CCC operated pursuant to a right of access from Penn Color.

22. Provide the names of all parties who owned or operated the location during the period from 1899 through the present. Describe the relationship, if any, of each of those parties with the Company.

CCC has operated at the site since its inception in 1987 and can therefore only attest to the accuracy of information regarding site ownership and/or operations since 1987.

CCC has operated at the site from 1987 to the present. From 1987 to 2002, the site was owned by Maurice M. Weill, the Trustee for Jack Schwartz et als., under a Declaration of Trust dated October 28, 1965. In 1991, a Purchase Option on the property was assigned by CCC to Penn Color, which had simultaneously acquired assets of CCC, and CCC continues to operate at the site. In 2002, Penn Color purchased the site from Maurice M. Weill and has owned the site since that time.

23. Provide the name, address, telephone number, title and occupation of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted

in any way in responding to the “Request for Information” and specify the question to which each person assisted in responding. Please include the names and addresses of former employees who were contacted to respond to any of the questions.

Robert Vielee
President
30 Paul Kohner Place
Elmwood Park, NJ 07407
Telephone: (201) 791-5100

Mr. Vielee has personal knowledge of the responses provided in this Information Request.

In addition to counsel, the following people assisted in responding to this Information Request.

Robert Vielee – All questions
Tony Zarriello – All questions
George Fabricatore Jr. – All questions
Michael Rubeo – All questions

Former employees were not contacted.

- 24. Provide copies of all insurance policies and indemnification agreements held or entered into by the Company that arguably could indemnify the Company against any liability that the Company may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Company’s location set forth in Attachment C. In response to this Question, please provide not only those insurance policies and agreements that currently are in effect, but also those that were in effect during the entire period of the Company’s ownership or operation of the location. For any policy that you cannot locate or obtain, provide the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.**

Without limitation to its general objections, CCC specifically objects to Question #24, because CCC is not in a position to be able to evaluate the applicability of insurance coverage before a claim is made upon an insurance policy. CCC further objects to Question #24 because it has no basis to believe that CCC has any liability connected with the issues addressed herein. In the absence of more specific information, it is not possible for CCC to identify which policies are applicable. Without limitation and subject to the foregoing objections, CCC responds that it has identified the policy names and numbers for the following former insurance policies, copies of which are unavailable.

05/26/87 - 05/26/88, Insurance Company of the State of Pennsylvania, GLCM 590-0605 (1,000,000 BI/PD)

05/26/88 - 05/26/89, Insurance Company of the State of Pennsylvania, GLCM 590-1052 (1,000,000 BI/PD)

05/26/89 - 05/26/90, Home Insurance Company, SC-926-2647 (500/500 BI/PD)

05/26/89 - 05/26/90, Home Insurance Company, BUF 917093 (500/500 BI/PD)

CCC has also provided copies of two policies that have been secured by the current property owner, on which CCC is identified as an additional named insured, in Attachment 24.

- 25. Identify all individuals (other than those identified in your response to Question 23) who may have information or documents relating to the subject of this Request for Information, and/or generation, handling, storage, transportation or disposal of the hazardous substances, hazardous wastes or industrial waste materials that came to be located in the Passaic River.**

CCC further objects to Question #25 because it asserts that materials relevant to the Information Request came to be located in the Passaic River, whereas CCC has no basis to assert that any materials associated with its operation came to be located in the Passaic River. Without limitation to its objections, CCC responds by incorporating by reference its response to Questions #11 and #21.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of NEW JERSEY :

County of BERGEN :

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

ROBERT C. VIELEE

NAME (print or type)

PRESIDENT

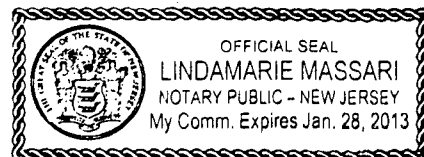
TITLE (print or type)

Robert C. Vielee

SIGNATURE

Sworn to before me this 8th day of Sept, 2008

[Signature]
Notary Public Signature



Under the direction of Sarah Flanagan, ORC and Robert Keating, Records Center Manager, attachments were not scanned. Also Notice Letters were not issued to this PRP.

Custom Chemicals Corp.

DIAMOND ALKALI SUPERFUND SITE

NJD980528996